

PATENT APPLICATION *DFW*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

MAIL STOP PETITION

Shinichi HANDA et al.

Group Art Unit: 2879

Application No.: 10/664,036

Examiner: N. PATEL

Filed: September 17, 2003

Docket No.: 123776

For: PATTERN DISPLAY APPARATUS

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT -
OFFICE ACTION NOT RECEIVED**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Upon reviewing the Patent Application Information Retrieval (PAIR) feature of the Patent Office's website to confirm the status of the above-identified application, the undersigned learned that the application had become abandoned as of July 4, 2005 for failure to respond to an Office Action dated April 4, 2005. The Office Action was not received by Applicants or Applicants' representatives.

Responsibility for prosecuting this application was transferred during the pendency of the application from attorneys associated with the law firm of Parkhurst & Wendel, LLP (see Declaration and Power of Attorney filed November 26, 2003) to attorneys associated with the law firm of Oliff & Berridge, PLC (see General Power of Attorney filed May 27, 2005). A search of the file jacket and docket records kept by both law firms that have had responsibility for this application indicates that the Office Action was not received by either law firm.

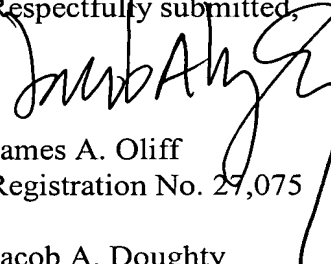
Applicants provide copies of computerized docket records kept by both the Parkhurst & Wendel law firm (Exhibit A hereto) and the Oliff & Berridge law firm (Exhibit B hereto), where the non-received Office Action would have been entered had it been received and docketed. In particular, Applicants provide computerized docket records for the Parkhurst & Wendel firm (P&W docket no.: DAIN:754) showing the last docket entry for this application, a status check for a response from the Patent Office to the January 18, 2005 Request for Continued Examination -- there are no entries relating to the April 4, 2005 Office Action. Applicants also provide computerized docket records for the Oliff & Berridge firm (O&B docket no.: 123776) showing all replies docketed for response on July 4, 2005, the three-month due date set by the non-received Office Action - again, there are no entries relating to the April 4, 2005 Office Action. As is evident from the computerized docket records, neither law firm received or docketed the Office Action. In addition, Applicants have attached a copy of the Contents of the

Image File Wrapper (IFW) for this application from the Patent Office's website including the entry "Mail returned to USPTO as undelivered," and the paper associated with that entry -- the undelivered Office Action (see Exhibit C hereto). The Patent Office does not appear to have made any further effort to mail the Office Action.

Accordingly, in accordance with MPEP §711.03(c)I, it is respectfully requested that the abandonment be withdrawn, and that the non-received Office Action be remailed to the attorneys of record at the address below.

As this Petition does not result from any error on the part of the undersigned, it is respectfully submitted that no Petition fee is due. However, please debit Deposit Account No. 15-0461 as needed in order to ensure that the Notice of Abandonment is withdrawn. Please telephone the undersigned if any questions arise in connection with this matter.

Respectfully submitted,



James A. Oliff
Registration No. 29,075

Jacob A. Doughty
Registration No. 46,671

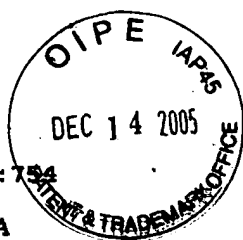
JAO:JAD/hs

Attachments:
Exhibits A-C

Date: December 14, 2005

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>



Rec.No.: 10156

File No.:DAIN:754

Client:KYOWA
Client Code:DAIN
Attorney:RWP/RNW
Title:PATTERN DISPLAY APPARATUS

Type:P
Status:P
Due Date:02-18-2005
Action Req'd:Response To Final Action

Related Files:

Descr/Remarks:

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Use ↑ or ↓ Keys To Move Cursor
Press <ENTER> Key To End Each Entry
Press <END> Key to Store The Record

RECORD KEEPER

Date Opened:09-15-2003
Last Update:07-20-2004

Country:US
Ser. No.:10/664,036
Inventors:SHINICHI HANDA ET AL
Inv-cont:
Assignee:DAI NIPPON PRINTING
Filing Date:09-17-2003

Client Ref.:144296US
Associate:

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To Browse Through The Records
Press To Delete Record
Page 1

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Rec. No.	ATTORNEY	FILE NO./ CLIENT	ACTION REQUIRED	DUE DATE
364	RWP/RNW	DAIN:754	Response To Final Action Due	05-18-2005
	KYOWA		STATUS AFTER RCE	

REPORT COMPLETED ON 11-29-2005 AT 07:45:45



OLIFF & BERRIDGE U.S. PATENT AND TRADEMARK DOCKET

DATE JULY 4, 2005 (MONDAY)

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	TM APPLN. 76/317,864 SENTRIS GILL JENNINGS	SOU/ITU EXT DUE	110004
	HASHIMOTO, 918,449 INOUE FUSE	(FLD 6/23/05) REJ DUE	101924.02
	KIMURA, 620,342 A. AOKI	ISSUE FEE DUE PUB FEE DUE (NOT NEEDED 4/25/05) DRAWINGS DUE	116608
	HASHIMOTO, 361,566 INOUE FUSE	ISSUE FEE DUE PUB FEE DUE (PD 4/14/05) DRAWINGS DUE	110477.01
	HAYASHI, 987,419 NAGAI & ASSOC.	(FLD 06/13/05) ISSUE FEE DUE PUB FEE DUE (NOT NEEDED 4/19/05) DRAWINGS DUE	111112
	CORDEBAR, 320,370 LHERMET, LA BIGNE	(FLD 6/29/05) ISSUE FEE DUE (FLD 6/29/05) PUB FEE DUE (NOT NEEDED 5/4/05) DRAWINGS DUE	114538
	YAMAGUCHI, 735,674 SERA TOYAMA	(FLD 06/21/05) ISSUE FEE DUE PUB FEE DUE (NOT NEEDED 4/28/05) DRAWINGS DUE	118124
	OGAWA, 791,720 SEIKO EPSON	ISSUE FEE DUE PUB FEE DUE (NOT NEEDED 4/25/05) DRAWINGS DUE	118945
	TATSUURA, 082,228 FUJI XEROX	(PD 4/22/05) ISSUE FEE DUE (PD 4/22/05) PUB FEE DUE (NOT NEEDED 4/12/05) DRAWINGS DUE	106200.04
	KUSASE, 829,166 IPICS CORP.	(PD 5/17/05) ISSUE FEE DUE (PD 5/17/05) PUB FEE DUE (NOT NEEDED 4/21/05) DRAWINGS DUE	115473.04
	SASAKI, 758,098 KITAZAWA & KOIZUMI	(FLD 06/27/05) ISSUE FEE DUE PUB FEE DUE (NOT NEEDED 4/15/05) DRAWINGS DUE	113820.04

OLIFF & BERRIDGE U.S. PATENT AND TRADEMARK DOCKET

DATE JULY 4, 2005

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	MIZUTANI, 716,524 NGB CORP.	(FLD 6/17/05) ISSUE FEE DUE (FLD 6/17/05) PUB FEE DUE (NOT NEEDED 4/29/05) DRAWINGS DUE	117814
	KATAYAMA, 314,266 SEIKO EPSON	(FLD 5/12/05) FR/NOA DUE	114453
	TAKINO, 288,337 KAWAKITA & ASSOC.	(RCE FLD 7/5/05) FR/NOA DUE	114142
	GOMBERT, 824,051 SOLVAY DCRT/IAM	(RCE FLD 06/28/05) FR/NOA DUE	109149
	YAMAZAKI, 396,584 SEIKO EPSON	(FLD 6/22/05) REJ DUE	115330
	MACHIDA, 840,534 FUJI XEROX	(FLD 5/17/05) REJ DUE	108973
	YAMANAKA, 944,193 KAWAKITA & ASSOC.	REJ DUE	110538
	LEE, 724,187 J.S. HUH PATENT	(FLD 7/1/05) REJ DUE	117904
	KATAGAMI, 359,602 SEIKO EPSON	(FLD 06/15/05) REJ DUE	114944
	COUVELAERE, 297,387 CABINET CELANIE	(ALLOWED 5/12/05) FR/NOA DUE	114307
	WAKAI, 983,794 SEIKO EPSON	(FLD 6/20/05) REJ DUE	110966
	ARGOUD, 169,552 GERMAIN & MAUREAU	REJ DUE	113172
	OSHIO, 731,007 SEIKO EPSON	REJ DUE	117781
	FAN, 284,545 XEROX	(FLD 4/29/05) FR / (EXT TO 8/4/05) NOA	118726
	YAMAGUCHI, 611,547 NGB	(EXT TO 8/4/05) REJ DUE	116428
	KATO, 766,914 ADACHI	(EXT TO 8/4/05) REJ DUE	118452
	INOUE, 636,582 INOUE	(NEW ACTION REC'D 5/6/05) REJ DUE	116815

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	HINO, 621,205 SEIKO EPSON	(FLD 5/31/05) REJ DUE	116304
	OKAMOTO, 413,553 HANABUSA PATENT	(PD 5/25/05) ISSUE FEE DUE (PD 5/25/05) PUB FEE DUE (NOT NEEDED 4/25/05) DRAWINGS DUE	115730
	YAMAMUKAI, 636,581 INOUE FUSE	(FLD 6/23/05) ISSUE FEE DUE (FLD 6/23/05) PUB FEE DUE (NOT NEEDED 4/21/05) DRAWINGS DUE	116816
	AKIYAMA, 320,374 KANDO PATENT	(FLD 06/27/05) ISSUE FEE DUE PUB FEE DUE (NOT NEEDED 4/13/05) DRAWINGS DUE	114527
	KASHIKI, 206,336 KYOWA PATENT	(FLD RCE 6/20/05) FR/NOA DUE	113355
	ONUMA, 725,421 KAWAKITA & ASSOC.	(EXT TO 8/4/05) FR/NOA DUE	117940
	TM 74/371,159 ARTECA Courtaulds plc TM 74/341,106 BOOKSHUTTLE Fillmore & Riley TM 74/272,536 SAMBA Schroeter, Fleuchaus	RENEWAL DUE	JAO 15816 KMH 15714 JAO 15644
	TM REG NO. 1,903,516 HS (STYLIZED) HOOVER & STRONG	RENEWAL DUE	109095
	YAMASHITA, 091,374 NGB	(FLD 6/23/05) MISSING PARTS DUE	123382
	YAMAZAKI, 028,447 SEIKO EPSON	(FLD 7/5/05) MISSING PARTS DUE	120390

	GUERET, 100,374 NONY	(FLD 06/30/05) MISSING PARTS DUE	423411
	ISHII, 181,809 FUJI XEROX	(FLD 06/27/05) 2 MO. RESPONSE DUE	401327
	KODERA, 664,927 TAIYO	(FLD 6/30/05) QUAYLE ACTION DUE	417240
	IRIE, 392,823 SUGIMURA INT'L	NOA 1X DUE	115524
	KANEDA, 403,024 TAJIME TAJIME	(FLD 06/30/05) REJ 1X DUE	407709.04
	TAKAMATSU, 409,165 TAIYO, NAKAJIMA & KATO	(FLD AAFR 6/24/05; FLD NOA 7/1/05) FR/NOA DUE (3X)	415036
	CHEN, 199,099 UNIV OF ROCHESTER	(FLD 7/5/05) 3MO REJ DUE (1X)	412104
	OHARA, 479,118 HANABUSA	3MO REJ DUE (1X)	117895
	HAMADA, 815,794 AKASHI & CO.	(FLD 7/5/05) 3MO REJ DUE (1X)	419334
	FURUKAWA, 771,564 KITAZAWA	(EXT TO 8/4/05) 3MO REJ DUE (1X)	408478
	TOURAINÉ, 961,482 Cab. G&M	(EXT TO 8/4/05) MISSING PARTS DUE (2X)	409993.04
	COOMAN, 499,027 SIKA TECHNOLOGY	(EXT TO 8/4/05) MISSING PARTS DUE (4X)	419824
	KUDO, 929,416	(FLD 7/5/05) 3MO REJ DUE (1X)	408062.04



Printer Friendly
10/664,036 Pattern display apparatus
Image File Wrapper

This application is officially maintained in electronic form. To View: Click the desired Document Description. To Download and Print: Check the desired document(s) and click StartDownload.

Mail Room Date	Document Description	Page Count
05-27-2005	Power of Attorney (may include Associate POA)	2
04-26-2005	Mail returned to USPTO as undelivered	10
04-04-2005	Non-Final Rejection	7
04-04-2005	List of References cited by applicant and considered by examiner	1
04-04-2005	List of references cited by examiner	1
04-04-2005	Index of Claims	1
04-04-2005	Search information including classification, databases and other search related notes	1
03-29-2005	Examiner's search strategy and results	2
02-01-2005	Index of Claims	1
02-01-2005	Fee Worksheet (PTO-875)	1
01-18-2005	Amendment Submitted/Entered with Filing of CPA/RCE	1
01-18-2005	Claims	2
01-18-2005	Applicant Arguments or Remarks Made in an Amendment	8
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10-18-2004	Final Rejection	9
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08-06-2004	Fee Worksheet (PTO-875)	1
08-06-2004	Claims Worksheet (PTO-2022)	1
07-29-2004	Amendment - After Non-Final Rejection	1
07-29-2004	Claims	4

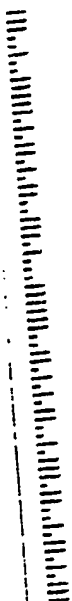
07-29-2004	Applicant Arguments or Remarks Made in an Amendment	5
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05-07-2004	List of references cited by examiner	1
05-07-2004	Index of Claims	1
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04-12-2004	Foreign Reference	18
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03-11-2004	Foreign Reference	9
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12-17-2003	Request for Corrected Filing Receipt	3
12-17-2003	Oath or Declaration filed	5
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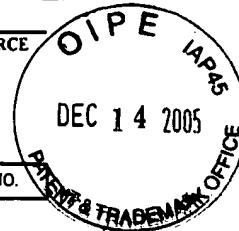
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10/664,036
Exhibit C



APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,036	09/17/2003	Shinichi Handa	DAIN:754	2578

6160 7590 04/04/2005
PARKHURST & WENDEL, L.L.P.
1421 PRINCE STREET
SUITE 210
ALEXANDRIA, VA 22314-2805

EXAMINER

LEURIG, SHARLENE L

ART UNIT PAPER NUMBER

2879

DATE MAILED: 04/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/664,036	HANDA ET AL.	
	Examiner	Art Unit	
	Sharlene Leurig	2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7 and 9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>011805</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Amendment

1. The amendment filed on January 18, 2005 has been entered and acknowledged by the examiner.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the stationary display member having the claimed laminated structure must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Antoniadis et al. (5,902,688) in view of Chien (US 2002/0003697 A1) (of record) in view of Butt (5,660,573) and further in view of Carcia et al. (6,720,203) (of record).

Regarding claim 9, Antoniadis discloses a pattern display apparatus comprising an organic electroluminescent device, the OEL being capable of displaying at least one of a first character, a first figure, a first mark and a first pattern comprising at least one of a second character, a second figure and a second mark, wherein the OEL device comprises a laminated structure comprising layers ordered in the sequence of a base layer (Figure 2, element 103), a first electrode layer (105), an insulating layer (107), an OEL layer (115) and a second electrode (111). Antoniadis discloses that the insulating layer has a pattern whose shape is completely opposite the shape of the at least one of a first character, a first figure, a first mark and a first pattern comprising at least one of a second character, a second figure and a second mark (column 8, lines 42-51).

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Antoniadis fails to exemplify the OEL device being located on a stationary display member.

Chien teaches a pattern display apparatus comprising an OEL device located on a stationary display member (Figure 1-E).

Antoniadis fails to exemplify a flexible base layer or the insulating layer being between the EL layer and the second electrode layer.

Butt teaches a base layer for an EL device, the base layer being formed of a flexible material such as polyester or polycarbonate (column 3, lines 33-35). Butt further teaches an insulating layer that blocks generation of light so as to form a specific pattern, wherein the insulating layer may be formed anywhere within the sandwich of layers forming an EL lamp without changing the effect of the insulating layer (column 5, lines 24-28).

Antoniadis further fails to exemplify a flexible sealing layer.

Carcia teaches a flexible organic EL device having a flexible sealing layer (60) provided on top of the OEL device in order to protect the device from degradation resulting from exposure to moisture or air (column 4, lines 45-55).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the OEL device of Antoniadis to be on a stationary display member in order to provide a stationary display, as taught by Chien, and to further modify it to have a flexible base layer, as taught by Butt, and a flexible sealing layer, as taught by Carcia, in order to provide a flexible display device resistant to shatter or breakage from bending while increasing the protection of the OEL device from water

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and air, and to further modify the OEL device to have the insulating layer provided between the EL layer and the second electrode layer, as Butt has taught an insulating layer in such a location to be effective in producing a specific pattern of light emission.

Regarding claim 7, the claim limitation of the stationary display member being used in a point of purchase advertisement is a statement of intended use and does not differentiate the claimed apparatus of the combined references above, which satisfies the claimed structural limitations.

Response to Arguments

5. Applicant's arguments with respect to claims 7 and 9 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharlene Leurig whose telephone number is (571) 272-2455. The examiner can normally be reached on Monday through Friday, 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sll



Kamali Gulamay

Sheet 1 of 1		JAN 18 2005 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		APP. DOCKET NO. D-511754		SERIAL NO. 10/684,038	
U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE				APPLICANT Shinichi HANDA et al.			
LIST OF REFERENCES CITED BY APPLICANT(S) (Use several sheets if necessary)				FILING DATE September 17, 2003		GROUP 2879	
U.S. PATENT DOCUMENTS							
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
FOREIGN PATENT DOCUMENTS							
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION NO YES	
SL	2000-229148	8/22/00	Japan (w/Abstract)			X	
SL	2002-85624	3/28/02	Japan (w/Abstract)			X	
OTHER DOCUMENT(S) (including Author, Title, Date, Pertinent Pages, Etc.)							
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Notice of References Cited	Application/Control No. 10/664,036	Applicant(s)/Patent Under Reexamination HANDA ET AL.	
	Examiner Sharlene Leurig	Art Unit 2879	Page 1 of 1

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	B	US-5,902,688	05-1999	Antoniadis et al.	313/509
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